



Clovis Police Department Policies & Procedures

Policy No: **III.16**
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Responsible for Review:
Administration

Title: **III**
Patrol
Operations

Chapter: **16**
Vehicle Pursuits

Approved:

[Signature]
Chief of Police

I. Purpose:

The purpose of this policy is to establish a standard operating procedure for the safe operation of police vehicles when involved in the pursuit of violent offenders, offenders who present a clear and present danger to the safety of other motorists or the public.

II. Policy:

It is the policy of the Clovis Police Department to seek alternative methods of apprehending violent suspects when possible. However, it is recognized certain situations require the use of police vehicles to apprehend such persons. The discretionary decision to initiate a pursuit shall be based upon the seriousness of the crime, the possibility of apprehension, condition of police vehicles, traffic and roadway conditions and the type of area in which the pursuit is occurring. The immediate apprehension of a suspect is never more important than the safety of innocent citizens or the police officer.

III. References:

New Mexico Criminal and Traffic Law Manual Statutes 66-1-4.1, 66-1-4.14, 66-3-843, 66-7-6, 29-20-4; International Association of Chiefs of Police, Inc., Vehicular Pursuit Policy, Commission on Accreditation for Law Enforcement Agencies, New Mexico Municipal Law Enforcement Professional Standards Council, First Edition 2002, Amended June 2007.

IV. Definitions:

Marked Patrol Vehicle: A police vehicle equipped with conspicuous markings, operational emergency red/blue/white lights, audible siren and two-way radio communications. (New Mexico Standard OPR.01.02)

Un-Marked Police Vehicle: A police vehicle equipped without conspicuous markings, but with operational emergency red/blue/white lighting, audible siren and two-way radio communications. (New Mexico Standard OPR.01.03)

Police Motorcycle: A police motorcycle equipped with conspicuous markings, operational emergency red/blue/white lights, audible siren and two-way radio communications. (New Mexico Standard OPR.01.02)

Primary Unit: The marked patrol vehicle which takes the lead position in a pursuit.

Secondary Unit: The second patrol vehicle directly involved in the pursuit immediately following the primary vehicle and acting as backup and support.

Controlling Supervisor: Any supervisor who acknowledges, monitors and controls an active vehicle pursuit.

Staff Vehicle: A police vehicle equipped with only a police radio.

Termination: The physical action to discontinue a vehicular pursuit or the emergency response of an authorized emergency vehicle.

Vehicular Pursuit: Is the act of following or pursuing another vehicle in order to overtake, contact or apprehend the driver, or an active attempt by an officer in an authorized emergency vehicle to apprehend the operator of a motor vehicle who fails to bring the vehicle to a stop, after having been given a visual and audible signal by the officer and fails to obey such direction.

Violent Acts: Any violent act where there is a risk of great bodily harm involving physical force or violence, threatened or actual, against another person, including, but not limited to: murder, manslaughter, aggravated battery, aggravated criminal sexual penetration, kidnapping, robbery and aggravated burglary.

V. Procedures: Vehicle Pursuits

Officers are authorized to conduct pursuits when the officer knows or has reasonable grounds to believe the fleeing suspect is committing, has committed or attempted to commit a violent act as defined herein or presents a clear and present danger to the safety of other motorists or the public. The initial decision to start a pursuit shall lie primarily with the officer who has initiated the vehicular stop, after considering the elements of the policy.

These considerations shall include, but are not limited to:

- The crime for which the suspect is wanted.
- The possibility of apprehension.
- The need to apprehend immediately if the offender is known.
- The risk the pursuit poses to the community (i.e. traffic, pursuit area, environmental factors, and weather conditions)
(New Mexico Standard OPR 01.09.A).

Whenever possible, officers should seek alternative methods of apprehending suspects when it is likely a pursuit will occur. The officer and supervisor should continually consider the risks created by the pursuit, should the risks change.

Vehicles that fail to stop and continue to drive at or below the posted speed limit may be pursued, as long as, officers utilize lights and siren. Officers shall comply with the directives of this policy even when the speed of the fleeing vehicle is not a factor.

An officer involved in transporting a prisoner or civilian shall not engage in a pursuit. If the civilian is an authorized ride along participant, the officer may initiate a pursuit, but shall relinquish a pursuit to another solo officer who is in a marked patrol vehicle as soon as practical.

Pursuit Guidelines

Vehicle Pursuits may be initiated for:

- Violent Acts as defined by this policy.
- When an Officer has reasonable grounds to believe a fleeing suspect poses a clear and immediate threat of death or serious injury to others or the officer has probable cause to believe a fleeing suspect possesses a clear and immediate threat to the safety of others that is ongoing and existed prior to the pursuit.
- When authorized by a supervisor.

Generally, Vehicle Pursuits shall not be initiated for:

- Minor Traffic offenses/ Municipal ordinance violations.
- Misdemeanor offenses/Felony property offenses.

It is difficult to anticipate all potential situations officers will face, as such; this policy is intended to provide guidance and direction to employees of the Clovis Police Department while giving flexibility to supervisors to respond to unforeseen situations.

Vehicle Pursuits shall be *terminated* when:

- Directed by a supervisor.
- Visual contact is lost, other than momentarily, or if unfavorable weather, road, traffic, or vehicle conditions exist.
- There is a clear and unreasonable danger to the officer or the public, such as an abundance of vehicular and/or pedestrian traffic in the area of the pursuit.
- The offender can be sufficiently identified so that an apprehension can be safely made at a later time, unless probable cause exists to believe the fleeing suspect poses an imminent threat or danger to the public. (OPR.01.09.H)

Action to be taken when a pursuit is *terminated* prior to apprehension:

- Officers/supervisor will inform the Dispatcher when a pursuit is being discontinued.
- Officers involved will promptly acknowledge the order to discontinue the pursuit.
- Return to the posted speed limit.
- Turn off emergency equipment, i.e. overhead lights and siren.
- When practicable take action that would indicate that they are no longer following the suspected vehicle.

- If a suspect vehicle is observed following discontinuation of a pursuit, and during an attempt to re-contact the vehicle, the driver displays any attempt to elude; no further pursuit shall be initiated and officers shall follow the termination steps outlined above.
- Officers may continue to look for the suspect's vehicle in areas where a car may be parked or abandoned.

Officer\Secondary Unit Responsibilities

If a vehicle pursuit is initiated, officers shall use all emergency equipment, and notify Dispatch of the following:

- Location
- Direction of travel
- Description of vehicle
- Number of occupants
- Reason for the pursuit
- Speed of the pursuit

Only two police vehicles shall participate in a pursuit, unless otherwise directed by a supervisor. The secondary unit shall activate all emergency equipment, and take over the responsibility of communicating with Dispatch.

All other police vehicles shall stay clear of the pursuit, remaining alert to its progress. In the event they are needed, whether the pursuit has concluded or has been discontinued, they may be required to assist with traffic control, accident investigation, foot pursuit, perimeter security, etc.

The primary unit officer may request additional units to participate in the pursuit, upon supervisor approval, if it appears two marked patrol units are not sufficient to safely apprehend the suspect(s).

A marked patrol vehicle is the most suitable vehicle to conduct a pursuit. If an unmarked patrol vehicle or police motorcycle initiates a pursuit, it should be used only until relieved by a marked patrol vehicle. Police motorcycle units shall not participate in a pursuit as a secondary unit.

The pursuit may leave the jurisdiction of the City of Clovis, unless otherwise directed by the supervisor.

Once the pursued vehicle is stopped, officers shall utilize appropriate safety tactics and shall be aware of the necessity to utilize only reasonable and necessary force to take the suspect(s) into custody.
(New Mexico Standard OPR01.09.B,C)

Prohibited Practices

Pursuit vehicles shall not pass another pursuit vehicle or make vehicle-to-vehicle contact without the permission of the supervisor.

Under no circumstances shall pursuing officers follow a suspect vehicle, which is driving against traffic on the wrong side of a divided roadway. Officers may continue to pursue on the correct side of the roadway.

Roadblocks will not be established without approval from a supervisor.

Supervisor's Responsibilities

The supervisor shall acknowledge, monitor and determine the reason for the pursuit. The pursuit shall be discontinued if it fails to meet the standards set forth in this policy or if circumstances do not justify its continuation.

The supervisor shall respond to the termination point of actual pursuits involving Clovis officers.

The supervisor shall be responsible for controlling police actions and ensuring that all reports are completed. (New Mexico Standard OPR.01.09.E)

Dispatcher's Responsibilities

The dispatcher will secure the channel and transmit all available information pertinent to the pursuit to other police units.

The dispatcher will immediately notify the supervisor if they haven't already acknowledged the pursuit.

If not advised by the pursuing officer, the dispatcher will attempt to determine the reason(s) for the pursuit.

Whenever a pursuit enters a receiving jurisdiction, the dispatcher, as soon as practicable, shall notify the receiving jurisdiction of the existence and reason for the pursuit. They shall also keep the receiving jurisdiction apprised of the pursuit status. Officers involved in the pursuit will remain on the channel the pursuit originated unless advised otherwise.

(New Mexico OPR 01.09.D)

Inter-Jurisdictional Pursuits

If a pursuit is leaving the jurisdiction:

- The pursuing officer shall notify the dispatcher prior to leaving the city and remain as the primary unit when possible.

If a pursuit from another jurisdiction enters Clovis:

- After obtaining the information from the dispatcher, the *supervisor* will determine if the pursuit is within policy. Officers of this agency shall not be involved in a pursuit that does not conform to this policy.
- If the pursuit does conform to this policy, only one marked unit shall assist.
- If the pursuing agency is not on the Clovis radio network, the Clovis unit shall advise dispatch of those items listed under **Officer's Responsibilities**.
- If the pursuit should discontinue within Clovis, officers shall provide the necessary support as outlined under **Officer's Responsibilities**. (New Mexico Standard OPR.01.09.G)

Investigation/Jurisdiction at Termination

The on-scene supervisor of the originating jurisdiction shall be responsible for processing the arrest of any suspects and for coordinating the investigation. However, if there was a more serious violation in another jurisdiction, the on-scene supervisor from that jurisdiction shall assume the responsibility for coordinating the immediate investigation. Nothing herein shall preclude the investigation of any accident, criminal act, or other incident, which occurred during the course of the pursuit by any jurisdiction in which such incident occurred. (CALEA Standards, Section 41.2.2)

Tactical Vehicle Intervention (TVI)

Only officers who have been trained in the TVI procedure are authorized to attempt the procedure. There are no restrictions as to when this intervention may occur during a pursuit. It is recommended the TVI occur as soon as possible to bring a pursuit to a conclusion.

Officers shall only attempt the procedure when speeds and conditions are favorable.

This termination technique requires supervisory approval and should be aired over the radio prior to implementation. (New Mexico Standard OPR.01.09.F)

Tire Deflation Devices (Stop Sticks)

Officers trained in their use, after receiving supervisory authorization, shall only deploy Stop Sticks or similar devices.

The deflation device shall only be deployed where and when it does not pose a danger to the offender, officers or citizens.

Tire deflation devices shall not be deployed to stop vehicles with less than four wheels.

The dispatcher shall be advised of the location and controlling officer when deploying a tire deflation device. (New Mexico Standard OPR.01.09.F)

Roadblocks

Officers shall retain the authority to block streets and stop traffic at the scenes of accidents, crimes, fires or special events as long as sufficient warning to motorists is in place.

Emergency Roadblocks to stop fleeing vehicles or felons and all preplanned roadblocks for any purpose shall be approved by a supervisor. Roadblocks shall only be approved when the violator constitutes an immediate and continuing threat to the safety of others which may result in death or serious bodily injury, and when other efforts have failed. The type of roadblock initiated shall be at the supervisor's discretion. (New Mexico Standard OPR.07.13)

If a vehicle is utilized as a part of an approved roadblock, no person shall remain in or in the immediate vicinity of the vehicle.

(CALEA Standards, Section 61.3.4) (New Mexico Standard OPR.01.09.F)

Documentation/Review

Any time a pursuit is initiated; a Police Pursuit Report shall be completed and forwarded through the Chain of Command to the Chief of Police. It is incumbent upon each supervisor to review the Pursuit Report for completion and compliance with department policy. Although the officer's decision to terminate a pursuit may be reviewed, the officer shall not be criticized or disciplined for the decision. (CALEA Standards, Section 41.2.3)

The pursuit shall also be documented in an Incident/Crime Report as the situation dictates. (New Mexico Standard OPR.01.09.I)

CLOVIS POLICE DEPARTMENT
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